

NOTICE OF FILING

Details of Filing

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| Court of Filing | FEDERAL COURT OF AUSTRALIA (FCA) |
| Date of Lodgment: | 14/03/2023 5:59:49 PM AEDT |
| Date Accepted for Filing: | 14/03/2023 5:59:56 PM AEDT |
| File Number: | NSD103/2023 |
| File Title: | BRUCE LEHRMANN v NETWORK TEN PTY LIMITED ACN 052 515 250 & ANOR |
| Registry: | NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA |

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Affidavit

No NSD 103/2023

Federal Court of Australia
District Registry: New South Wales
Division: General

Bruce Lehrmann


Applicant

Network Ten Pty Limited ACN 052 515 250 and Anor
Respondents

Affidavit of: **Paul Victor Svilans**
Address: Level 19, 68 Pitt Street, New South Wales, 2000
Occupation: Solicitor
Date: 14 March 2023

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Filed on behalf of (name & role of party) Bruce Lehrmann, Applicant
Prepared by (name of person/lawyer) Paul Svilans
Law firm (if applicable) Mark O'Brien Legal
Tel +61 2 9216 9830 Fax -
Email paul.svilans@markobrienlegal.com.au
Address for service Level 19, 68 Pitt Street, Sydney, New South Wales, 2000
(include state and postcode)

| No. | Details | Paragraph | Page |
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| 7. | Annexure "PVS-8", being a copy of an AFP media statement dated 22 March 2021 | 14 | 29-30 |
| 8. | Annexure "PVS-9", being a copy of an article published in The Guardian dated 7 April 2021 | 15 | 31-33 |
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| 10. | Annexure "PVS-11", being an article published by Network Ten dated 24 May 2021 | 17 | 38-41 |
| 11. | Annexure "PVS-12", being an article published in The Sydney Morning Herald dated 21 June 2021 | 18 | 42-44 |
| 12. | Annexure "PVS-13", being emails between MOBL and the solicitors for Network Ten dated 7 and 8 February 2023 | 20 | 45-47 |

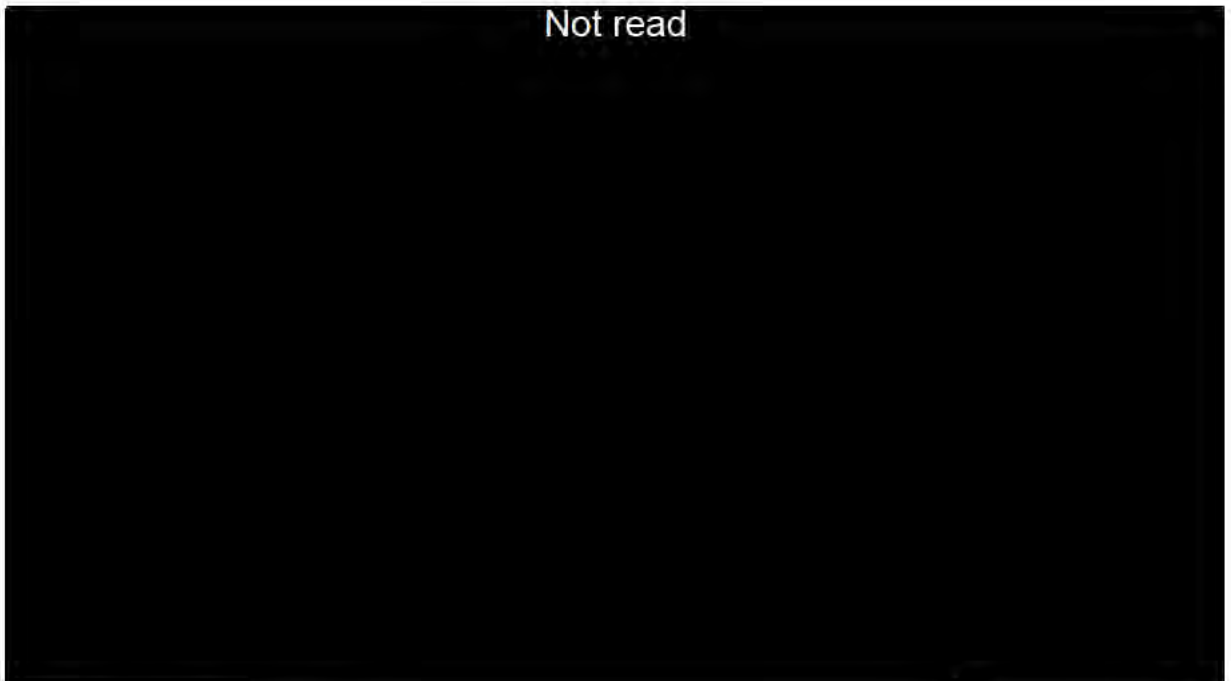
I Paul Victor Svilans, solicitor of Level 19, 68 Pitt Street, Sydney in the State of New South Wales, make oath and say as follows:

1. I am a Principal with the firm Mark O'Brien Legal (**MOBL**), the solicitors for the Applicant in these proceedings and I have conduct of the matter.
2. Nothing in this affidavit or its annexures is intended to waive any client legal professional privilege. To the extent that any part of this affidavit may be construed as a waiver of privilege, I withdraw and do not rely on that part of the affidavit.
3. On 1 March 2023, I swore an affidavit in support of the Applicant's request for an extension of the limitation period to 7 February 2023 (**First Affidavit**).

Warwick Korn

4.

Not read



[Handwritten signature]

[Handwritten signature]

Not read

The Applicant

5.

Not read



eANSA

[Handwritten signature]

Applicant's admission to Royal North Shore and the Northside Clinic

6. The Applicant was admitted to Royal North Shore Hospital at approximately 6pm on 16 February 2021, and not 17 February 2021 as stated in [17] of my First Affidavit. The Applicant's medical records from the Northern Sydney Local Health District (**NSLHD**) were produced by NSLHD in response to a subpoena on 8 March 2023. Those records are at annexure MRS-7 of the Saunders Affidavit.
7. On 17 February 2021, the Psychiatry Registrar of Royal North Shore Hospital sent a referral for the Applicant to the Northside Clinic. A copy of the referral is at page 176 of the Saunders Affidavit.
8. The Applicant was discharged from Royal North Shore Hospital on the afternoon of 17 February 2021 pending admission to the Northside Clinic. A copy of the Discharge Summary is at pages 180-183 of the Saunders Affidavit.
9. On 18 February 2021, the Applicant was admitted to the Northside Clinic for a planned 21-day mental health admission (see page 152 of the Saunders Affidavit). The Applicant was discharged from the Northside Clinic on 2 March 2021. Annexed hereto and marked **PVS-3** is a copy of the Applicant's discharge summary from the Northside Clinic.

Events in the period between 15 February 2021 and 7 August 2021

10. On 18 February 2021, the Australian Federal Police released a media statement confirming that the investigation into allegations of sexual assault in the Minister's office on 23 March 2019 was an open investigation. Annexed hereto and marked **PVS-4** is a copy of the AFP media statement.
11. On or about 19 February 2021, the Prime Minister announced, amongst other things, that the head of his department, Phil Gaetjens, would investigate who knew of Ms Higgins' allegations and when. Annexed hereto and marked **PVS-5** is an article published by ABC News entitled '*Scott Morrison faces fresh questions about when his office learned about alleged rape of Brittany Higgins*'.

12. On 5 March 2021, the Government announced an independent review into Commonwealth Parliamentary workplaces to be led by the Sex Discrimination Commissioner, Ms Kate Jenkins. Annexed hereto and marked **PVS-6** is a Media Release by the Hon Simon Birmingham, Minister for Finance.


13. On 14 March 2021, Ms Higgins spoke at a 'March 4 Justice' women's rally outside Parliament House. Annexed hereto and marked **PVS-7** is an article published by news.com.au entitled '*Brittany Higgins appears at women's justice march in Canberra*'.
14. On 22 March 2021, the AFP Commissioner Reece Kershaw issued a statement confirming that on 9 March 2021, he had informed Mr Gaetjens it was strongly advisable to hold off finalising the records of interviews with staff until the AFP could clarify whether the criminal investigation into Ms Higgins' sexual assault allegations may traverse any issues covered by the administrative process he was undertaking. Annexed hereto and marked **PVS-8** is a copy of the AFP media statement.
15. On 7 April 2021, the AFP Deputy Commissioner, Neil Gaughan, publicly stated that a team of five AFP officers had been assembled to investigate the allegations made by Ms Higgins. Annexed hereto and marked **PVS-9** is an article published in The Guardian entitled '*Brittany Higgins: federal police reveal five officers investigating rape allegation*'. A copy of The Guardian article was tabled in Parliament on 14 April 2021.
16. On 30 April 2021, Ms Higgins met with the then Prime Minister, Scott Morrison. Both Ms Higgins and the Prime Minister made media statements following their meeting. Annexed hereto and marked **PVS-10** is a Sydney Morning Herald article entitled '*Former Staffer Brittany Higgins demands sweeping changes from Scott Morrison*'.
17. On 24 May 2021, AFP Commissioner Reece Kershaw stated in Senate hearing, in relation to Ms Higgins' allegations: "*I have been informed by the ACT chief police officer that a brief of evidence is likely to be provided to the director of ACT public prosecutions in the coming weeks*". Annexed hereto and marked **PVS-11** is an article published by Network Ten entitled '*Police edge closer on Brittany Higgins allegations*'
18. On 21 June 2021, the ACT Director of Public Prosecutions Shane Drumgold confirmed he had received a partial brief of evidence in relation to Ms Higgins' allegations, and a request to provide advice for consideration of prosecution. Annexed hereto and marked **PVS-12** is an article published in The Sydney Morning Herald entitled '*Brief of evidence into Brittany Higgins matter handed to prosecutors*'.

Other matters

19. At the time of swearing the First Affidavit, I did not have access to the text messages referred to in paragraph 5(a) above.

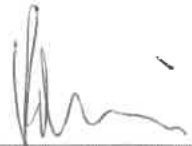
20.

Not read



Sworn by the deponent
at Sydney
in New South Wales
on 14 March 2023
Before me:

)
)
)
)
)



Signature of deponent



Signature of witness
Monica Helen Allen
Mark O'Brien Legal
Level 19, 68 Pitt Street
Sydney New South Wales 2000
An Australian Legal Practitioner within the
meaning of the Legal Profession Uniform Law

**Certificate Identifying Annexure
"PVS-3"**

No. NSD. 103/2023

Federal Court of Australia
District Registry: New South Wales
Division: General

Bruce Lehrmann

Applicant

Network Ten Pty Limited ACN 052 515 250 and Anor

Respondents

This is the annexure marked "PVS-3" now produced and shown to PAUL VICTOR SVILANS at the time of swearing his affidavit on 14 March 2023

Before me:



.....
Signature of person taking affidavit

Filed on behalf of (name & role of party) Bruce Lehrmann, Applicant
Prepared by (name of person/lawyer) Paul Svilans
Law firm (if applicable) Mark O'Brien Legal
Tel +61 2 9216 9830 Fax -
Email paul.svilans@markobrienlegal.com.au
Address for service Level 19, 68 Pitt Street, Sydney, New South Wales, 2000
(include state and postcode)

[Form approved 01/08/2011]

BRUCE LEHRMANN

14/06/1995

MG00024872

AG01266709

Northside Group St Leonards Clinic

2 Frederick St, St Leonards NSW 2065
Tel: 02 9433 3555 | Fax: 02 9433 3570

DISCHARGE SUMMARY

DR Discharge Summary REF: 60010

NSC MRN: MG00024872
NAME: BRUCE LEHRMANN
ADDRESS: 20414 KARRABEE AVENUE HUNTLEYS
COVE NSW 2111
Ph 0428 165 698
GP NAME: GP UNKNOWN

ADMISSION NO: AG01266709
Date of Birth: 14/06/1995 (25 years) Male
Date Admitted: 18/02/2021
Date Discharged: 02/03/2021 - Discharge by Hospital
Consultant: Peter Young
Summary Status: Version 1 - Complete
Completed By: Registrar on 01/03/2021

PRINCIPAL DIAGNOSIS (AT DISCHARGE)

Principal Diagnosis: Situational crisis
Psychiatric > Reaction to severe stress and adjustment disorders > Adjustment disorder

PROGRESS & MANAGEMENT

Progress & Management:

Bruce was admitted to Northside clinic on 18/2/21. Bruce reported symptoms of low mood, anxiety and poor sleep in context of ongoing stressors due to the high profile allegation and him being harassed by the reporters. Bruce was commenced on quetiapine pm after which his sleep and anxiety improved. He also engaged with an outpatient psychologist with good effect. Bruce was discharged on 2/3/21 with a plan for him to follow up with his GP (Dr Ash Saleh) and psychologist (Gary Logan) - details below. Bruce denied any suicidal ideation during his admission.

MEDICATIONS

QUETIAPINE

12.5-25mg BD PRN, PRN

New

ALLERGIES

Bruce is a 25yo male, living with his partner who has no past history of mental health issues. Bruce initially presented to Royal North Shore hospital on 16/2/21 with low mood and suicidal ideation on the background of ongoing stressors regarding allegations on a high profile case. Bruce was initially admitted to PECC at Royal North Shore hospital from where he was transferred to Northside clinic on 18/2/21.

FUTURE MANAGEMENT PLAN

Follow up with GP - Dr Ash Saleh - Range side medical, 11 James street, Toowoomba, Qld, 4350 Ph - 0746380655
Follow up with psychologist - Gary Logan - B scott street, East Toowoomba, QLD, 4350 Ph - 0746384784

PARTICIPANTS

Peter YOUNG
KATHRYN DREW

Attending Doctor - Psychiatry
Referring Doctor

RNS COMMUNITY HEALTH, 2C
HERBERT ST, ST LEONARDS NSW
2065

GP UNKNOWN
Peter YOUNG

GP
Admitting Doctor

COMPLETED BY Registrar on 01/03/2021

This discharge summary is confidential. If you are not the intended recipient, please immediately advise the sending hospital by phoning 02 9433 3555 seeking further instructions.

Certificate Identifying Annexure
"PVS-4"

No. NSD. 103/2023

Federal Court of Australia
District Registry: New South Wales
Division: General

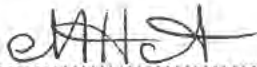
Bruce Lehrmann

Applicant

Network Ten Pty Limited ACN 052 515 250 and Anor
Respondents

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Before me:



.....
Signature of person taking affidavit

| | | | |
|--|---|-----|----------|
| Filed on behalf of (name & role of party) | <u>Bruce Lehrmann, Applicant</u> | | |
| Prepared by (name of person/lawyer) | <u>Paul Svilans</u> | | |
| Law firm (if applicable) | <u>Mark O'Brien Legal</u> | | |
| Tel | <u>+61 2 9216 9830</u> | Fax | <u>-</u> |
| Email | <u>paul.svilans@markobrienlegal.com.au</u> | | |
| Address for service (include state and postcode) | <u>Level 19, 68 Pitt Street, Sydney, New South Wales, 2000</u> | | |

[Form approved 01/08/2011]

Media Statement: AFP response on Parliament House alleged assault matter



Thursday, 18 February 2021, 5:47pm

A senior member of the Australian Federal Police met with Minister Linda Reynolds and her chief-of-staff on 4 April 2019 in relation to allegations of sexual assault in the Minister's office on 23 March, 2019.

The AFP has engaged with the Department of Parliamentary Services and Presiding Officers a number of times.

The matter is an open investigation and further commentary could be prejudicial.

The AFP will not be making further comment on this matter.

**Certificate Identifying Annexure
"PVS-5"**

No. NSD. 103/2023

Federal Court of Australia
District Registry: New South Wales
Division: General

Bruce Lehrmann

Applicant

Network Ten Pty Limited ACN 052 515 250 and Anor
Respondents

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Signature of person taking affidavit

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|---|--|
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| Prepared by (name of person/lawyer) | Paul Svilans |
| Law firm (if applicable) | Mark O'Brien Legal |
| Tel | +61 2 9216 9830 |
| Fax | - |
| Email | paul.svilans@markobrienlegal.com.au |
| Address for service (include state and postcode) | Level 19, 68 Pitt Street, Sydney, New South Wales, 2000 |

[Form approved 01/08/2011]

Scott Morrison faces fresh questions about when his office learned about alleged rape of Brittany Higgins

Posted Fri 19 Feb 2021 at 10:00am, updated Fri 19 Feb 2021 at 12:32pm



Scott Morrison insists his office didn't learn about the alleged rape until last Friday

Scott Morrison has called in the head of his department to investigate when the Prime Minister's Office (PMO) learned about the alleged rape of a now-former Liberal staffer.

Mr Morrison remains adamant his office first found out about the allegation last week, a claim former Liberal staffer Brittany Higgins rejects.

He has announced the head of his department, Phil Gaetjens, will investigate the matter and check phone records, after text messages emerged that purport to show his office was notified in 2019, weeks after the incident occurred.

It is the fourth investigation the Prime Minister has announced this week.

Ms Higgins alleges she was raped by a male colleague in the office of then-defence industry minister Linda Reynolds in March 2019.

The new investigation comes after a now-former federal government adviser told the ABC a senior member of the PMO was informed about the alleged rape weeks after it occurred.

Mr Morrison has maintained his office only learned that the incident involved an allegation of sexual assault last Friday.

Key points:

- Scott Morrison maintains his office was unaware the incident involved an alleged rape until last week
- The head of the Prime Minister's Department has been called in to investigate who knew what
- Labor says text messages show Mr Morrison's account is not credible

[Go direct to the source](#)

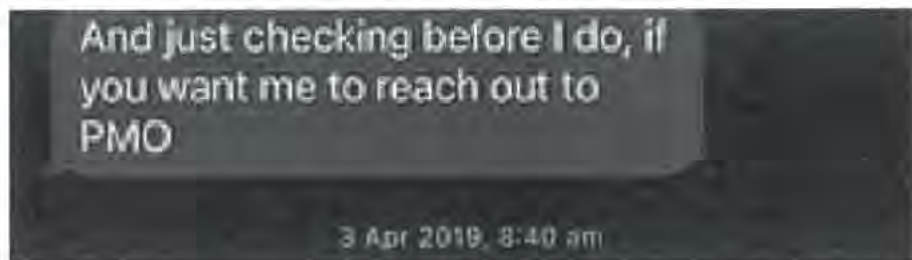
Now Mr Gaetjens, a former chief of staff to Mr Morrison and the current head of the Department of Prime Minister and Cabinet, will investigate phone and other records held by PMO staff.

The move came after News Corp published a screenshot which it said showed text messages between Ms Higgins and a male Liberal staffer in April 2019, the month before the federal election.

The former adviser, who asked not to be named, told the ABC he called a member of the PMO in April 2019 to inform him of the alleged incident and seek more support for Ms Higgins.

He said he called the PMO with the support of Ms Higgins, and was particularly keen to escalate concerns about the delay in making counselling support available.

The ABC has also obtained a text message, first reported by The Australian, in which the former adviser told Ms Higgins he had spoken to the Prime Minister's Office.



Text messages allegedly between Brittany Higgins, in blue, and a Liberal staffer in 2019. (Supplied)



The Liberal staffer allegedly confirmed he 'spoke to PMO'. (Supplied)

"Spoke to PMO. He was mortified to hear about it and how things have been handled. He's going to discuss with [chief of staff]- no one else. I flagged need for councillor (sic) and desire to be closer to home during election."

Ms Higgins replied via text message, "Thank you for doing that".

The PMO staff member who received the call in April 2019 referred questions to Mr Morrison's media office. A spokesman for the Prime Minister confirmed a call took place, but denied any rape allegation was raised in the conversation.

On Friday, a senior government source insisted the rape allegation remained unknown to the PMO until last week, and said the matter was only being treated as a security breach before that.

The source said the conversation between the government adviser and the PMO was about finding Ms Higgins another job.



Brittany Higgins plans to proceed further with the police investigation in the coming weeks. (Supplied)

Opposition Leader Anthony Albanese said the text messages showed the Prime Minister's account was not credible.

"Well, it completely contradicts what the Prime Minister has said," Mr Albanese said.

"Here you have text messages clearly indicating that it was raised with the Prime Minister's Office, and the response from the Prime Minister's Office saying that he would raise it with the chief of staff."

Former prime ministers Kevin Rudd and Malcolm Turnbull have said it is not credible that a Prime Minister's Office would be unaware for years.

Earlier this week, Mr Morrison announced Stephanie Foster, a senior bureaucrat from the Department of Prime Minister and Cabinet, will investigate whether there is sufficient support for people who work in the Federal Parliament.

Liberal backbencher Celia Hammond, a former university vice-chancellor, will also investigate the workplace culture within the Liberal Party.

A bi-partisan, independent committee will also investigate the workplace culture and support available to staff but is likely to take months to begin its work.

Sexual assault support services:

- [1800 Respect national helpline:](#) 1800 737 732
- [Lifeline \(24 hour crisis line\):](#) 131 114
- [Beyond Blue:](#) 1300 224 636



Defence Minister Linda Reynolds apologised to Brittany Higgins during Question Time on Thursday. (AAP: Mike Tsikas)

After days of sustained pressure over how she handled the alleged rape, Senator Reynolds, now the Defence Minister, wiped away tears and was unable to answer questions in the Senate yesterday.

On Monday night, an extended [interview with Ms Higgins was broadcast on Channel Ten's The Project](#).

She went through the details of the alleged rape in Ms Reynolds's office and how she was taken into a meeting a few days later in the same room.

"For my part, I am deeply sorry that Brittany felt unsupported at the time of the incident and in the months that followed," Senator Reynolds said on Thursday.

"I am also deeply sorry that some of my actions and handling of this matter added to Brittany's distress."

**Certificate Identifying Annexure
"PVS-6"**

No. NSD. 103/2023

Federal Court of Australia
District Registry: New South Wales
Division: General

Bruce Lehrmann

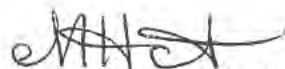
Applicant

Network Ten Pty Limited ACN 052 515 250 and Anor

Respondents

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Before me:



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Signature of person taking affidavit

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| Filed on behalf of (name & role of party) | <u>Bruce Lehrmann, Applicant</u> | | |
| Prepared by (name of person/lawyer) | <u>Paul Svilans</u> | | |
| Law firm (if applicable) | <u>Mark O'Brien Legal</u> | | |
| Tel | <u>+61 2 9216 9830</u> | Fax | <u>-</u> |
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| Address for service (include state and postcode) | <u>Level 19, 68 Pitt Street, Sydney, New South Wales, 2000</u> | | |

[Form approved 01/08/2011]



SENATOR THE HON SIMON BIRMINGHAM

Minister for Finance
Leader of the Government in the Senate
Senator for South Australia

MEDIA RELEASE

5 March 2021

Independent review into Commonwealth Parliamentary workplaces

The Government has today announced an independent review (the Review) into Commonwealth Parliamentary workplaces which will be led by the Sex Discrimination Commissioner, Ms Kate Jenkins.

Finance Minister Simon Birmingham said the aim of the independent review would be to ensure all Commonwealth Parliamentary workplaces are safe and respectful and that our national Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

“Over the last couple of weeks I have consulted with current and former staff, a number of experts and many Members of Parliament, including the Presiding Officers, Opposition representatives, minor parties and Independent members and Senators, on the scope and process for the review,” Minister Birmingham said.

“This consultation reinforced the importance of a number of principles, including that the review be, as the Prime Minister asked, truly independent and at arm’s length from Government, and to ensure that staff, both current and former can freely participate and have their say.

“The review must bring about cultural and practical change in our parliamentary workplace. Our national Parliament must set an example and reflect best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

“Commissioner Jenkins is an expert in this field, is well qualified and together with the Australian Human Rights Commission has extensive experience in conducting reviews into workplace culture. I have full confidence the review will be conducted with the independence, care, sensitivity, confidentiality and deliberation needed.

“The participation of staff and former staff will be of paramount importance. I encourage all current and former staff, Parliamentarians and others with experience in Parliamentary workplaces to fully participate in the review, should they wish to do so.”

Australia’s Sex Discrimination Commissioner Kate Jenkins welcomed today’s announcement from Minister Birmingham.

“The vital cross-party support for this independent review coupled with the opportunity for current and former staff to participate in the Review creates the foundation for long term positive cultural reform to make our Parliament safe and respectful,” Commissioner Jenkins said.

Authorised by Senator the Hon Simon Birmingham, Minister for Finance, South Australia.

"The Australian Human Rights Commission is uniquely positioned to undertake an Independent Review of this nature. The Commission's experience in undertaking independent, vigorous and confidential cultural reviews is evidenced by our previous work, including Respect@Work, our National Inquiry into Sexual Harassment in Australian Workplaces.

"I encourage current and former Parliament House and Ministerial staff to share their experiences with us. Your contributions will build a safer, more respectful workplace for everyone."

The Australian Human Rights Commission will be provided with additional resources to support Commissioner Jenkins to conduct the review, including the ability for individuals to participate with full confidence that they will be supported and their privacy protected.

The Review will report by November 2021.

ENDS

Media Contact

Benn Ayre: +61 428 342 325

Julia Ebbs: +61 417 097 644

Independent Review into the workplaces of Parliamentarians and their staff

Terms of Reference

The Government, in consultation with the Presiding Officers, the Opposition, minor parties and independent Members of Parliament has established an Independent Review (Review) into the workplaces of Parliamentarians and their staff (parliamentary workplaces).

The aim of the Review is to ensure all Commonwealth Parliamentary workplaces are safe and respectful and that our national Parliament reflects best practice in the prevention and handling of bullying, sexual harassment and sexual assault.

The Review will consider recommendations to ensure that the people who work in parliamentary workplaces are treated with dignity and respect and have access to clear and effective mechanisms to prevent and address bullying, sexual harassment and sexual assault.

Objectives

The objectives of the Review are to:

- Understand the experiences and the expectations of current and former staff of Commonwealth parliamentarians, current and former Commonwealth parliamentarians, and staff working within the Parliament of Australia with respect to ensuring a safe and respectful workplace;
- Consider best practice in the enabling of safe and respectful parliamentary workplaces, including national and international approaches;
- Examine the adequacy, effectiveness, independence, resourcing and awareness of current supports available to enable a safe and respectful workplace, in particular preventing and responding to workplace bullying, sexual harassment and sexual assault;
- In the context of workplace bullying, sexual harassment and sexual assault, consider:
 - drivers in parliamentary workplaces, including the workplace culture, characteristics and practices that may increase the risk;
 - legislative, cultural, structural or other barriers to reporting incidents in parliamentary workplaces; and
 - current response and reporting mechanisms in parliamentary workplaces;
- Assess the extent to which current legislation, policies, processes and practices promote or impede safe and respectful workplaces, including the operation of the *Members of Parliament (Staff) Act 1984 (MOP(S) Act)*; and
- Prepare a report setting out findings and recommendations on the matters within the scope of the Review, with a focus on constructive measures that can be implemented to achieve best practice in the prevention and handling of workplace bullying, sexual harassment and sexual assault.

The Review will be led by Australia's Sex Discrimination Commissioner, Kate Jenkins.

The Review will be conducted in accordance with section 11 of the *Australian Human Rights Commission Act 1986 (Cth)*.

The Review will provide a public report by November 2021. Commissioner Jenkins may make interim recommendations, and will provide a public progress update in July 2021.

Commissioner Jenkins will publicly detail and implement measures to protect individual privacy and confidentiality of participation in the Review.

The Review is expected to consult widely, especially with current and former staff. In addition, a number of current or former MOP(S) Act staff will be nominated to act as reference points for Commissioner Jenkins. Commissioner Jenkins may draw upon further independent expertise or advice to assist in the successful delivery of the Review.

The Review will inquire into systemic issues, and for this reason the Review will not be investigating or making findings about individual allegations as part of the inquiry. The Commissioner will provide clear referral pathways to participants who wish to raise matters with the appropriate agency or authority as well as clear referral pathways to counselling or other supports. Additional resources will be provided to ensure anyone participating in the review has access to appropriate support services as needed, including specialist trauma counselling.

The Australian Human Rights Commission will be provided with additional resources to support Commissioner Jenkins to conduct the review, including the ability for individuals to participate with full confidence that they will be supported and their privacy protected.

All Commonwealth agencies will cooperate fully with the Review.

**Certificate Identifying Annexure
"PVS-7"**

No. NSD. 103/2023

Federal Court of Australia
District Registry: New South Wales
Division: General

Bruce Lehrmann

Applicant

Network Ten Pty Limited ACN 052 515 250 and Anor
Respondents

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Signature of person taking affidavit

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Brittany Higgins appears at a women's justice march in Canberra

Brittany Higgins has made a bombshell appearance at a women's justice march right in front of Parliament House in Canberra.

Finn McHugh

4 min read March 15, 2021 - 5:57PM NCA NewsWire

15 comments



More From Kids



House.

Ms Higgins attracted national attention after she made a distressing rape allegation against a male colleague in a government minister's office inside Parliament House in March 2019.

Ms Higgins told the crowd that she had watched much of the drama from the revelation play out in the media.



Brittany Higgins embraced March 4 Justice organiser Janine Hendry at the rally outside Parliament House. Picture: NCA NewsWire/Gary Ramage

"I watched as the Prime Minister of Australia publicly apologised to me through the media, while privately the media team actively undermined and discredited my love ones," Ms Higgins said.

"I tuned into Question Time to see my former bosses, people that I had dedicated my life to, downplay my lived experience.

"I have read the news updates every day at 5am because I was waking up to new information about my own sexual assault through the media — details that were never disclosed to me by my employers, information that would have helped me as questions that have haunted me for years."





how not to fall prey to those who have the proclivity to harm others, advice aimed solely at modifying the behaviour of victims and does nothing to address the actions of perpetrators.

"This isn't a political problem. This is a human problem. We've all learned over the past few weeks just how common gendered violence is in this country. It's time our leaders on both sides of politics stop avoiding the public and sidestepping accountability. It's time we actually address the problem."



Ms Higgins said coming forward and telling her distressing story was the “only thing that I could do to say that I didn’t co-sign this behaviour”.

“By staying silent, I felt like it would have made me complicit, and if something of this nature had ever happened again, my ongoing silence would have inadvertently said to those people in charge that you can treat people in this way and it’s OK,” she said.

“I want to be clear – it’s not! So I have spoken out with what little I have to say this isn’t OK and they need to do better. We all need to do better.”



Women gather in Melbourne to participate in a nationwide Australian women’s justice rally. Picture: David Geraghty/NCA NewsWire

Earlier Channel 10 reporter Lisa Wilkinson, who interviewed Ms Higgins over the alleged rape in February, told the crowd: “Brittany Higgins will not be silenced. Women at rallies right across this country right now will not be silenced.”

Susie Beaver was outside parliament to do her part in solving “the issue of our time”.

“I have a daughter, I have friends, I’ll have grandchildren at some stage. It’s all about women and looking out for them,” she told NCA NewsWire.

Susie, a mother to both a daughter and son, said it was “incredibly important” men understood they had a role in fixing the problem.

“That’s why there’s men here as well as women. My son’s here (and) I’m super proud of that because he’d just do it as a matter of course,” she said.

Despite a confronting three weeks of allegations, Susie said there was "no other way for it" other than to feel optimistic about the future.

"I think this shows that people from all ages, from kids up to great-grandparents are all here: male and female, all sensible, interested and dedicated people, so let's hope there's change this time," she said.

Independent MP Zali Steggall said men and women across Australia were tired of the status quo, saying women had "had enough of the inequities".

"They're tired of all the words but very little action. They want to see legislative change, so that sexual harassment is illegal for everyone, especially that there not be double standards where MPs have different rules for them," she told NCA NewsWire.

She said Prime Minister Scott Morrison had not done enough to show he was listening.

"I don't think women are sufficiently heard by this government. I don't think the Prime Minister, through his actions, has shown that he gets it," she said.

But she said the past weeks had shown a "coming together" of men and women, especially senior women.

"The senior (female) journalists are all calling this out, ensuring this story and these events are not relegated to the back page, that they stay on the front page until there is a satisfactory resolution," she said.

"(But) it is senior members of parliament that need to stand up, it is members of the crossbench.

"We are professional women in a position where we can make a difference, and we'll continue to do that."

Since Ms Higgins spoke out last month, several more allegations have surfaced against Australian politicians and political staffers.

It has sparked hundreds-of-thousands of women to take to the streets across the country, with more than 40 Women's March 4 Justice rallies planned across Australia.





March organisers have rejected a meeting with Prime Minister Scott Morrison in his office, and they are calling for him to come and speak to them at the rally outside federal Parliament.




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Scott Morrison

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Bruce Lehrmann

Applicant

Network Ten Pty Limited ACN 052 515 250 and Anor
Respondents

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| Tel | <u>+61 2 9216 9830</u> | Fax | <u>-</u> |
| Email | <u>paul.svilans@markobrienlegal.com.au</u> | | |
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[Form approved 01/08/2011]

Commissioner's Statement following Senate Estimates on 22 March 2021



Monday, 22 March 2021, 2:01pm

Australian Federal Police Commissioner Reece Kershaw has made the following statement.

"I have examined Mr Gaetjens' opening statement of evidence to Senate Estimates.

I confirm I informed Mr Gaetjens on 9 March it was strongly advisable to hold off finalising the records of interviews with staff until the AFP could clarify whether the criminal investigation into Ms Higgins' sexual assault allegations may traverse any issues covered by the administrative process he was undertaking.

I support his decision to put on hold the process of finalising his inquiry. At this time, I support him not making any further comments on the process or content of his inquiry to avoid any risk of prejudicing the outcome of the criminal investigation.

When the AFP has clarity about whether there is no intersection between Mr Gaetjens' administrative inquiry and the criminal investigation I will contact Mr Gaetjens so he can move to completion of his inquiry."

Certificate Identifying Annexure
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Federal Court of Australia
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Australian politics

● This article is more than 1 year old

Brittany Higgins: federal police reveal five officers investigating rape allegation

AFP deputy commissioner says they will be 'methodical' with evidence but did not confirm whether the alleged perpetrator had been interviewed

Australian Associated Press

Wed 7 Apr 2021 16.36 AEST

A team of five Australian federal police officers has been assembled to investigate a **rape allegation** raised by former Liberal staffer Brittany Higgins.

The police deputy commissioner, Neil Gaughan, revealed the details on Wednesday but would not say whether the alleged perpetrator had been interviewed.

"Natural justice has to be held here in relation to this particular issue," Gaughan told ABC radio on Wednesday.

"Of course, this person that has allegedly undertaken any crime is not obliged to be actually subjected to an interview, they have the right to remain silent. It's up to them, it's a matter for them, that's the way our democracy is and the way our laws have been crafted."

Higgins has alleged she was raped by a **male colleague** inside a ministerial office in Parliament House in Canberra after a night out in 2019. No charges have yet been laid.

The former government staffer initially decided not to pursue a police complaint - fearing her job could be affected. But Higgins re-engaged with the federal police regarding the alleged rape **in**

February.

Four investigators assigned to her case are being overseen by an AFP detective inspector.

“We will follow the evidence to where it takes us,” Gaughan said on Wednesday.

“We’ve got to get this right, clearly, and we will be methodical. We will work through the evidence, we will work with the DPP and when we are ready and when they are ready, we will make some further public announcements about it.”

The deputy commissioner would not say how long the investigation might take.

“How long is a piece of string,” he said. “I don’t want to put a timeline on it - I think that’s really dangerous - I don’t want to put pressure on investigators. My job is to provide them with time and space to do their job and that is my intention.”

Gaughan said he would not provide “blow-by-blow” details on progress of the case but any major milestones would be accompanied by public media releases. “We’ll just have to see where that takes us in the coming weeks,” he said.

● In Australia, the crisis support service **Lifeline** is 13 11 14. If you or someone you know is impacted by sexual assault, family or domestic violence, call 1800RESPECT on 1800 737 732 or visit www.1800RESPECT.org.au. In an emergency, call 000. International helplines can be found via www.befrienders.org.

**Certificate Identifying Annexure
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Division: General

Bruce Lehrmann

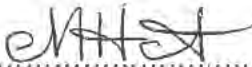
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Politics Federal Workplace culture

This was published 1 year ago

Former staffer Brittany Higgins demands sweeping changes from Scott Morrison



Katina Curtis

April 30, 2021 – 6.00pm

Former ministerial adviser Brittany Higgins demanded sweeping changes to the laws protecting staffers in Parliament as she met Prime Minister Scott Morrison to personally tell him she didn't want anyone else to go through what she had suffered.

Ms Higgins sparked a national conversation about the safety and treatment of women, especially in political environments, after she went public with [allegations she was raped](#) in March 2019 by a colleague in a ministerial office in Parliament House.



Former political staffer Brittany Higgins and Prime Minister Scott Morrison have agreed there needs to be change to how advisers are employed. DOMINIC LORRIMER

On Friday she met Mr Morrison to outline [changes she wants](#) to the employment law covering staffers, known as the MoP(S) Act, and to advocate for an independent body to handle complaints relating to political workplaces and act as a “one-stop-shop” for human resources information.

Specifically, she wants the power removed for politicians to sack staffers on the spot or on the basis the MP or senator has lost trust or confidence in them – a clause she says is far too vague. She told Mr Morrison she was driven by the desire to make sure “no other person would have to go through the trauma that I experienced” as a political staffer.

“For too long the culture of silence has allowed workplace bullying, harassment and other inappropriate conduct to go unchecked,” she told Mr Morrison.

Political advisers had very few protections or ways to address any workplace issues and that, combined with the high-pressure environment, had led too often to a toxic workplace culture, she said.

“It is my hope that this national discussion will translate into meaningful reform to ensure that this sort of behaviour is no longer tolerated. Cultural change is only achieved when we stand up and say ‘enough is enough’.”

Mr Morrison said after the meeting they were both determined to reform parliamentary workplaces.

“I am committed to achieving an independent process to deal with these difficult issues,” he said in a statement. “Ms Higgins’ views and experience will be invaluable to the work of [Sex Discrimination] Commissioner Kate Jenkins. I acknowledged her courage in coming forward and assisting in this work.”



Brittany Higgins told Prime Minister Scott Morrison she was driven by a desire to make sure no other political staffer suffered the trauma she had. DOMINIC LORRIMER

Ms Higgins told reporters the Prime Minister ended in a place where he “fundamentally seemed to understand what had happened to me and how it was handled” and “acknowledged that the system had let me down”.

“We had a discussion about what needs to happen in terms of the MoP(S) Act, where there needs to be better safeguards for staffers where there are power dynamic issues in terms of parliamentarians and individual staffers,” she said.

“It was a difficult conversation, it was robust, but ultimately, in the end, I think there was a consensus that reform needs to happen.”

Ms Higgins also wants annual reports published about the government staffing committee, commonly known as the “star chamber”, that oversees the hiring of ministerial staff.

Stephanie Foster, a deputy secretary in the Prime Minister’s department, is reviewing existing processes for reporting and responding to serious incidents in Parliament House and what support is given to people who make complaints.

Her work is canvassing the practicality of establishing a human resources body specifically for parliamentary staff.

Ms Jenkins is reviewing the culture of parliamentary workplaces. She will report by November with an interim public update in July. Mr Morrison said he expected both reviews would make recommendations on establishing an independent complaints process.

Ms Higgins met Opposition Leader Anthony Albanese earlier on Friday to discuss the same opportunities for change in the political system. Both said it had been constructive.

Mr Albanese said afterwards he believed the idea to establish an independent HR body was “modest and reasonable”.

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Katina Curtis is a political reporter for The Sydney Morning Herald and The Age, based at Parliament House in Canberra. Connect via [Twitter](#) or [email](#).

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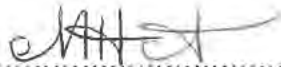
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Police Edge Closer On Brittany Higgins Allegations



Episodes [Video Extras](#) [More](#)

within weeks relating to allegations former Liberal staffer Brittany Higgins was raped inside Parliament House.

Australian Federal Police Commissioner Reece Kershaw on Tuesday revealed the force's ACT policing arm was moving closer to completing its investigation.

"I have been informed by the ACT chief police officer that a brief of evidence is likely to be provided to the director of ACT public prosecutions in the coming weeks," he told Senate estimates.

Mr Kershaw took aim at critics of the police response to the March 2019 incident, saying suggestions the AFP had taken a backward step risked dissuading victims from coming forward.

"It would be a travesty if that was to occur," he said.



Department of Prime Minister and Cabinet secretary Phil Gaetjens, tasked with investigating who in Scott Morrison's office knew about the allegation and when, faced questions in a separate hearing.

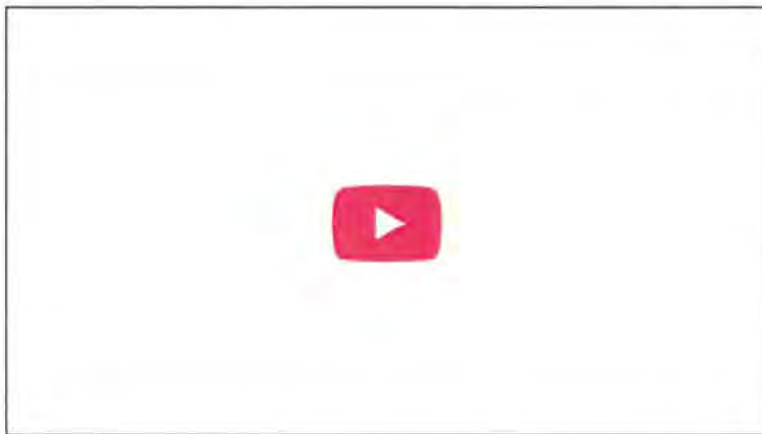
Mr Gaetjens paused his inquiry after speaking with Mr Kershaw about the potential for overlap with police work.

The top public servant has now resumed his probe and expects to complete his work within weeks.

"I'll finish as soon as possible," Mr Gaetjens told parliament.

Labor is concerned about a cover-up after Mr Gaetjens said it would be up to the prime minister whether the report would be made public.

He is yet to interview Ms Higgins but says he plans to after she asked to be involved.



The powerful bureaucrat refused to reveal how many people he spoke to during the investigation or if staff in the prime minister's office were receiving legal representation.

Government Senate leader Simon Birmingham said Ms Higgins deserved for the process to run its course.

"Brittany Higgins deserves to have a thorough process completed, one that is of integrity," he said.

Senator Wong questioned whether Senator Birmingham had no shame over inquiries being dragged out and questions not being answered at the estimates hearing.

Mr Kershaw said ACT Policing had told him there was no problem with a crossover between the two investigations.

"Mr Gaetjens did make the right call in suspending his inquiry but I did want to make sure there was no problematic intersection with the criminal investigation," he said.

In response to a question on notice from Labor senator Kristina Keneally, the AFP also revealed Peter Dutton's office was told in

October 2019 about the incident.

The AFP confirmed direct contact with Mr Dutton was not made until February 11 this year, backing up the senior cabinet minister's account.

AAP.



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Politics Federal [Federal politics](#)

This was published 1 year ago

Brief of evidence into Brittany Higgins matter handed to prosecutors



[Anthony Galloway](#)

June 21, 2021 – 3.40pm

Police investigating the allegation former Liberal staffer Brittany Higgins was raped by a colleague in Parliament House have handed a brief of evidence to prosecutors as the investigation reaches its final stages.

ACT Policing on Monday gave ACT Director of Public Prosecutions Shane Drumgold a partial brief of evidence into Ms Higgins' allegation she was [sexually assaulted on March 23, 2019](#).



Former political staffer Brittany Higgins. A brief of evidence on her rape case has been handed to prosecutors. DOMINIC LORRIMER

The DPP has been asked to provide advice on whether to prosecute the man Ms Higgins alleges raped her inside Parliament House.

Ms Higgins alleges she was raped by a male colleague in the office of their boss, then-defence minister Linda Reynolds.

In a statement, Mr Drumgold said: "I confirm I have today received a partial brief of evidence, and a request to provide advice for consideration of prosecution."

Australian Federal Police commissioner Reece Kershaw last month told a Senate estimates hearing the criminal investigation into Ms Higgins' allegations was reaching its final stages and a brief of evidence was to be handed to the DPP in the coming weeks.

The AFP, which oversees ACT Policing, also revealed police have received reports about 19 incidents of possible misconduct involving federal MPs and their staff since Ms Higgins came forward in February with her allegation. It has referred 15 of the matters to state and territory police for further investigation.

Senator Reynolds, who is now Government Services Minister, last month confirmed she had given a statement to police about the alleged rape and was prepared to be interviewed if required.

A spokesman for ACT Policing said the investigation is ongoing.

"We don't have any updates on it at this time."

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Anthony Galloway is political correspondent for The Sun-Herald and The Sunday Age. Connect via [email](#).

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No. NSD. 103/2023

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Division: General

Bruce Lehrmann

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[Form approved 01/08/2011]

Paul Svilans

From: O'Beirne, Conor <cobeirne@tglaw.com.au>
Sent: Wednesday, 8 February 2023 11:48 AM
To: Paul Svilans
Cc: Saunders, Marlia; Nygh, Jessie; Mark O'Brien
Subject: RE: Bruce Lehmann [TGLAW-Legal.FID3782978]

Dear Mr Svilans

We hold instructions to accept service on behalf of Network Ten Pty Limited and Ms Lisa Wilkinson.

Regards

Conor O'Beirne | Senior Associate

THOMSON GEER

T 03 9641 8630 | M +61 400 994 217

Level 23, Rialto South Tower, 525 Collins Street, Melbourne VIC 3000 Australia

cobeirne@tglaw.com.au | tglaw.com.au

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From: Paul Svilans <Paul.Svilans@markobrienlegal.com.au>
Sent: Tuesday, 7 February 2023 5:33 PM
To: O'Beirne, Conor <cobeirne@tglaw.com.au>
Cc: Saunders, Marlia <msaunders@tglaw.com.au>; Nygh, Jessie <jnygh@tglaw.com.au>; Mark O'Brien <Mark.O'Brien@markobrienlegal.com.au>
Subject: RE: Bruce Lehmann

Dear Ms O'Beirne

We refer to your letter to us of 20 January 2023.

We advise that our client has now instituted Federal Court defamation proceedings as against Network Ten Pty Limited and Ms Lisa Wilkinson, and we request your advice as to whether you are instructed to accept service of process.

Regards

Paul Svilans

Principal | Mark O'Brien Legal

**MARK
O'BRIEN
LEGAL**

Level 19, 68 Pitt Street, Sydney NSW 2000 Australia

T +61 2 9216 9830 | M +61 410 687 900

E paul.svilans@markobrienlegal.com.au

W www.markobrienlegal.com.au

From: O'Beirne, Conor <cobeirne@tglaw.com.au>
Sent: Friday, 20 January 2023 4:18 PM
To: Paul Svilans <Paul.Svilans@markobrienlegal.com.au>; Mark O'Brien <Mark.O'Brien@markobrienlegal.com.au>

Cc: Saunders, Marlia <msaunders@tglaw.com.au>; Nygh, Jessie <inygh@tglaw.com.au>
Subject: Bruce Lehrmann [TGLAW-Legal.FID3782978]

Dear Colleagues

See attached correspondence.

Regards

Conor O'Bairne | Senior Associate
THOMSON GEER

T +61 3 9641 8630 | M +61 400 994 217
Level 23, Rialto South Tower, 525 Collins Street, Melbourne VIC 3000 Australia
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